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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/768,068

01/22/2001

John K. Gallant

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2495

7590

12/09/2004

Technology Law Department  
MCI WORLDCOM, Inc.  
1133 19th STREET NW  
WASHINGTON, DC 20036

EXAMINER
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TON, ANTHONY T

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/768,068	Applicant(s) GALLANT ET AL.	
	Examiner Anthony T Ton	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 04 August 2004.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-44 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 1-28 and 41-44 is/are allowed.
- 6)  Claim(s) 29 and 40 is/are rejected.
- 7)  Claim(s) 30-39 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 10 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**PHIRIN SAM  
PRIMARY EXAMINER**

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/19/04.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

*guk*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 29 and 40** are rejected under 35 U.S.C. 102(e) as being anticipated by *Lakhani et al.* (US Patent No. **6,324,179**) hereinafter referred to as *Lakhani*.

a) **In Regarding to Claim 29:** *Lakhani* disclosed a method for providing VToA using an intelligent network and a switched virtual circuit over an ATM network (*see Fig.2*), the method comprising:

intercepting an input ATM setup message from an ingress ATM edge switch of the ATM network (*see col.3 lines 11-15: wherein, the second call manager intercepts a call request message and uses an ATM message to advice the second interface*);

extract information from the input ATM setup message (*see col.3 lines 11-15: wherein, when the modified call request message is received at the second call manager, the dialed number is translated from the message to identify the second telephone switch (hence, extract information from the input ATM setup message)*);

analyzing the information to determine if the input ATM setup message is a request to setup a switched virtual circuit for VToA (*see Fig.4A: in which, a signaling sequence for establishing calls across sub-networks overlaid on an ATM network, where the bearer traffic of the calls are routed across switched virtual circuits setup for the calls (hence, analyzing the information to determine if the input ATM setup message is a request to setup a switched virtual circuit for VToA)*);

determining an ATM address of a called party CPE (*see col.3 lines 14-17: the second interface (a called party CPE)*);

generating an output ATM setup message that includes the ATM address of a called party CPE (*see col.3 lines 14-17: then sends the second interface an ATM message (output ATM setup message) to provide call origination and termination details (hence, includes the ATM address of a called party CPE)*); and

communicating the output ATM setup message to the ingress ATM edge switch of the ATM network (*see col.3 lines 18-24*).

**b) In Regarding to Claim 40:** *Lakhani* further disclosed wherein analyzing the information to determine if the input ATM setup message is a request to set up an SVC for VToA further includes processing the information to provide VToA services (*see col.1 lines 7-11: telephone services using ATM facilities*).

*Allowable Subject Matter*

4. **Claims 1-28** and **41-44** are allowed.
5. **Claims 30-39** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Remarks*

6. Applicant's arguments filed on *August 4, 2004* with respect to **claims 1-44** have been considered but are moot in view of the new ground(s) of rejection.

*Examiner Information*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by : *Anthony T. Ton*  
Anthony T. Ton  
*Patent Examiner*  
December 07, 2004

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**